THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 2408 of 2006

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DATED: 10-02-2006

Imthiaz &24 others.

..... PETITIONERS

AND

The Revenue Divisional Officer,

Penukonda, Anantapur District & another.

.....RESPONDENTS

ORDER:

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Heard learned counsel for the petitioners, learned Government Pleader for Revenue appearing for the 1st respondent and the learned standing counsel appearing for the 2nd respondent.

2. It is stated that applications filed by the petitioners, for grant of pattas in respect of the land in S.No. 414/4 admeasuring Ac.1.15 cents, was rejected by the Mandal Revenue Officer vide his proceedings in Rc.518 of 97.C dated 27-12-2005 on the ground that the land belongs to Gram Panchayat.

3. It is not in dispute that petitioners are found in possession of the said Survey number. It is the case of the petitioners that in fact, the predecessors of the petitioners were assigned house sites in respect of Ac.0-03 cents in S.No.416 which is a gramnattam poramboke but they are in possession of the land in S.No.414 of Madakasira village. Admittedly, there is no assignment of any extent of land in

S.No.414 admeasuring Ac.1.15 cents.

4. Learned counsel appearing for the 2nd respondent submits that admittedly the said land belongs to Gram Panchayat and the Gram Panchayat intends to construct a shopping complex and therefore it is not just and proper to grant any pattas and that the Mandal Revenue Officer has rightly rejected the stay.

5. I am not inclined to express any opinion on the said contention as admittedly an appeal is filed by the petitioners before the Revenue Divisional Officer, Penukonda and the Revenue Divisional Officer, while admitting the appeal, posted the case for hearing on 18-02-2006 at 11-00 a.m., at the Sub-Collector's office, Penukonda and pending disposal of the case stay has been rejected. When the appeal itself has been posted on 18-02-2006,

I am of the opinion that it may not be just and proper to dispossess the petitioners till the appeal is disposed of.

6. Accordingly, the Writ Petition is disposed of at the stage of admission directing the 1st respondent to consider and dispose of the appeal on 18-02-2006 on which date, the petitioners or their counsel shall appeal without taking any adjournment and pending disposal of the appeal petitioners may not be dispossessed.

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(V.ESWARAIAH,J)

10th February, 2006.

Note:

Furnish C.C. by tomorrow.

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